

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC DIGOXIN AND
DOXYCYCLINE ANTITRUST LITIGATION**

**MDL NO. 2724
16-MD-2724**

THIS DOCUMENT RELATES TO:

HON. CYNTHIA M. RUFÉ

ALL ACTIONS

**DEFENDANTS' SUBMISSION REGARDING
LIAISON COUNSEL AND DEFENDANTS' STEERING COMMITTEE**

In accordance with Paragraph 4.A of Pretrial Order No. 1 entered by the Court on August 15, 2016, Defendants have conferred, reached consensus, and request the appointment of Jan Levine, a partner at Pepper Hamilton LLP, as defense liaison counsel for coordination with the Court and for administrative purposes. Pepper Hamilton was appointed as defense liaison counsel *In Re Processed Egg Products Antitrust Litigation* (EDPA, MDL No. 2002), and Ms. Levine has served in that capacity since 2008. Her curriculum vitae is attached as Exhibit 1 for the Court's consideration.

In preparation for the conference scheduled for September 8, 2016, Defendants have also conferred as to a Defendants' Steering Committee. For several reasons, Defendants respectfully submit that such a committee is not necessary in this matter. This is not a case that involves a large number of defendants. At most, seven Defendants are named in the various complaints filed to date. Defendants have and will continue to work cooperatively and efficiently to address pre-trial issues without a formal Steering Committee. In fact, in many other cases involving alleged antitrust conspiracies, both within and outside of the

pharmaceutical industry, defense attorneys of record in this case have worked cooperatively to do so without a formal Steering Committee.

In addition, Defendants are concerned that the role and responsibilities of the proposed Steering Committee could hamper the Defendants' abilities to present their own defenses. Defendants are separate and distinct companies, with separate and distinct defenses to the varying allegations Plaintiffs have alleged against each Defendant. While Defendants will coordinate to efficiently conduct pretrial discovery and pretrial motions practice, Defendants must each be able to present their own defense to the Plaintiffs' allegations, including, among other things, negotiate their own responses to discovery requests, represent their own witnesses at depositions and with respect to any subpoenas that are issued, and present their own issues and views to the Court regarding any and all pre-trial matters that may arise. Therefore, Defendants believe that the most effective way to do so is to proceed without a formal Steering Committee.

In light of these reasons, Defendants request that the appointment of defense liaison counsel is sufficient for efficiency purposes.

Dated: September 1, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Defendants' Submission Regarding Liaison Counsel and Defendants' Steering Committee was served on this 1st day of September 2016 via the Court's ECF system to all counsel of record.:

/s/ Jan P. Levine

Jan P. Levine